THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 14th November, 2006

W.P.No.23279 of 1995

Between:

P.V. Subba Reddy … Petitioner

and

The State of Andhra Pradesh,
represented by its Chief
Engineer, Telugu Ganga Project,
Secretariat Buildings, Hyderabad
and others … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Proceedings No.NOSE/TGPC/SKHT/EC.4/E34(A)/631M, dated 4-5-1993 issued by the 2nd respondent, wherein the order of conversion of the petitioner from the post of Man Mazdoor to the post of Work Inspector Grade IV was cancelled, as arbitrary and illegal.

It appears that the petitioner was appointed as NMR in the Department of Telugu Ganga Project Division, Rapur with effect from 1.9.1987. He completed five years of service on 31-8-1992. Therefore, the 2nd respondent by Proceedings dated 20-4-1993 converted the services of the petitioner as Work Inspector Grade IV in the workcharged establishment in the time scale of Rs.810-25-1060-30-1420 and posted him in Telugu Ganga Project Sub-Division, Chinnapandur. However, immediately thereafter, the 2nd respondent issued the Proceedings dated 4-5-1993, cancelling the earlier Order dated 20-4-1993. Aggrieved by the same, petitioner earlier filed Writ Petition No.6614 of 1993 before this Court and the same was allowed; however, it was observed that unless and until a show cause notice is issued, the petitioner could not have been reverted. After the disposal of the said Writ Petition, the 2nd respondent issued a show cause notice dated 29-9-1993 asking the petitioner as to why he should not be reverted from the post of Work Inspector Grade IV to Man

Mazdoor. Petitioner submitted his explanation. After considering the said explanation, Proceedings dated 17-11-1993 were issued by the 2nd respondent stating that the conversion of the petitioner as Work Inspector Grade IV is erroneous and not in accordance with Rules and as such, reconverted him to the post of Man Mazdoor. Aggrieved by the same, the present Writ Petition is filed.

A detailed counter affidavit has been filed on behalf of the respondents denying the allegations made by the petitioner and asserting that Government vide G.O.Ms.No.226, Irrigation and Power (Ser.V) Department, dated 26-6-1980 laid down qualifications for the post of Work Inspector Grade IV, as ITI holder or pass in HSC or SSC. Further, through G.O.Ms.No.289, dated 23-6-1986, the qualification for Work Inspector Grade IV prescribed in G.O.Ms.No.226, dated 26-6-1980 was substituted as ITI holder with pass in HSC/SSC. It is the case of the respondents that since the petitioner does not hold the certificate in ITI, his case could not be considered for the post of Work Inspector Grade IV and the earlier consideration was not in tune with the Governmental instructions issued in this regard. Therefore, the order converting the petitioner from Man Mazdoor to Work Inspector Grade IV was cancelled and the same is neither arbitrary nor illegal.

It is an admitted fact that the qualifications prescribed for appointment to the post of Work Inspector Grade IV under G.O.Ms.No.226, dated 26-6-1980 have been amended under G.O.Ms.No.289, dated 23-6-1986 requiring to hold ITI certificate with a pass in HSC/SSC. Admittedly, petitioner is not holding the certificate in ITI. Therefore, he was rightly reconverted as Man Mazdoor from the post of Work Inspector cancelling the earlier order of converting him as Work Inspector Grade IV from the post of Man Mazdoor. I am of the opinion that the respondents have not committed any error calling for

interference of this Court under Article 226 of the Constitution of India. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

14-11-2006

prk